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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/525,926	03/15/2000	Richard A. Smith	62-184	9870

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EXAMINER

KUPSTAS, TOD A

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 01/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/525,926

Applicant(s)

SMITH ET AL.

Examiner

Tod Kupstas

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 October 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) 13-19 and 32-38 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 and 31 is/are allowed.
- 6) ☒ Claim(s) 1-11, 20-30 and 39-49 is/are rejected.
- 7) ☒ Claim(s) 50 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Request for Continued Examination*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/23/2002 has been entered.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-5, 7, 9, 20-24, 26, 28, 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Burgan et al. (US 6,459,892).

As set forth in claims 1, 20, and 39, Burgan discloses a method and apparatus for providing access to a channel of an Internet Relay Chat group to a mobile device, comprising:

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placing a mobile chat proxy server; see col. 2, line 64-col. 3, line 23, and fig. 1 (the transmitters and receivers operating with the system controller encode and decode the wireless transmissions in formats compatible with land line messages) in a direct communication path between a standard Internet Relay Chat server (48) and a wireless gateway server (40, 30) supporting said mobile device; wherein said mobile chat proxy server forwards chat commands from said mobile device to said standard Internet Relay Chat server; see col. 2, line 64-col. 3, line 23, (upon sending a chat message to a device located on a LAN or WAN, the receiver will translate for the Chat server).

As set forth in claims 2 , 21, and 40, Burgan discloses a method and apparatus for providing access to a channel of an Internet relay chat group to a mobile device wherein said access includes participation in said channel by said mobile device; see col. 3, lines 24-39 (can function using any wireless channel and wireless device).

As set forth in claims 3, 22, and 41, Burgan discloses a method and apparatus for providing access to a channel of an Internet relay chat group to a mobile device wherein the mobile device comprises a mobile telephone; see col. 3, lines 34-39, (a mobile phone is used in the system).

As set forth in claims 4 , 23, and 42, Burgan discloses a method and apparatus for providing access to a channel of an Internet relay chat group to a mobile device wherein the mobile telephone is a mobile originated telephone with respect to said accessed channel of said Internet Relay chat group; see fig. 1, and col. 3, lines 34-39.

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As set forth in claims 5, 24, and 43, Burgan discloses a method and apparatus for providing access to a channel of an Internet relay chat group to a mobile device wherein said mobile chat proxy server interprets Internet Relay Chat commands from said mobile device (acts a gateway provides downloading and uploading from chat messages; see col. 2, line 59-col. 3, line 24.

As set forth in claims 7, 26, and 45, Burgan discloses a method and apparatus for providing access to a channel of an Internet relay chat group to a mobile device wherein said mobile chat proxy server passes communications with said mobile device through an Interworking Function interface in a direction toward said mobile device; see fig 1.

As set forth in claims 9, 28, and 47, Burgan discloses a method and apparatus for providing access to a channel of an Internet relay chat group to a mobile device: including wireless Internet gateway between said mobile chat proxy server and said mobile device; see col. 2, line 59-col. 3, line 24.

As set forth in claims 11, 30, and 49, Burgan discloses a method of providing access to a channel of an Internet relay chat group to a mobile device comprising summoning at least one other mobile device to join said Internet Relay Chat group; see col. 3, line 65-col. 4, line 9.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6, 8, 10, 25, 27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burgan in view of Holmes et al. (US 6,178,331).

Burgan does not disclose using SMPP or a short message system controller. Holmes discloses having a wireless system wherein both SMPP and a short message system controller is used; see col. 3, lines 19-24, and col. 11, 16-65. It would have been obvious to a person of ordinary skill in the art at the time this invention was made to have provided the system of Burgan, with either SMPP or a short message system controller, as taught by Holmes. The rationale is as follows: It would have been desirable to have used standard protocols for sending messages. As teaches the desirability of using SMPP and a short message system controller in a wireless system, one of ordinary skill would have been motivated by Holmes's teaching to have provided the system of Burgan with these protocols thereby having provided various standardized languages for use in the system.

***Allowable Subject Matter***

6. Claim 50 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 12 and 31 are allowed.

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***Response to Arguments***

8. Applicant's arguments with respect to claims 1-12, 20-31, and 39-50 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Marquette et al. (US 6,499,053) discloses a master/slave architecture for a distributed chat application in a bandwidth constrained network.

Okada et al. (US 6,393,4610) discloses a communication management system for a chat system.

Borella et al. (US 6,353,614) discloses a method and protocol for distributed network address translation.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached at (703) 305-4792. The fax phone number for this art unit is (703) 305-2701. Any inquiry of a general nature or relating to the status of this application or


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proceeding should be directed to the technology center receptionist whose telephone number is  
(703) 305-3900.

Tod Kupstas

  
Jan. 8, 2003